

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KURTIS ARNIF VILLARREAL,
JR., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER KAY VILLARREAL,

Respondent-Appellant.

UNPUBLISHED

October 24, 2006

No. 270574

Saginaw Circuit Court

Family Division

LC No. 05-029750-NA

Before: Cavanagh, P.J., Bandstra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent argues that she was denied due process when the trial court failed to secure her presence at the dispositional review hearings held on September 26, 2005 and March 30, 2006, because she was denied the ability to present the trial court with evidence of services that she completed while in jail, which caused the trial court to order petitioner to file a petition for the termination of parental rights. This Court reviews unpreserved, constitutional issues for plain error. *People v Carines*, 460 Mich 750, 764; 597 NW2d 130 (1999).

Respondent relies on this Court's decision in *In re Render*, 145 Mich App 344; 377 NW2d 421 (1985). However, this case is not analogous to *Render*, where the trial court erroneously held a *termination* hearing without securing the respondent's presence from jail. In this case, any alleged error would have been harmless because respondent had the opportunity to contest the termination of her parental rights at the permanency planning hearing on December 22, 2005, and the termination hearing on May 1, 2006. Contrary to respondent's argument, her attendance would have changed nothing, especially in light of her ability to attend the two other hearings, where she was able to testify and present her evidence, and the fact that she was represented by counsel at all hearings. Furthermore, an incarcerated parent does not have an

absolute right to attend a dispositional hearing of a proceeding to terminate parental rights. *In re Vasquez*, 199 Mich App 44, 48; 501 NW2d 231 (1993). Accordingly, no prejudice resulted from her absence at these hearings.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens